

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are presented for the Examiner's consideration.

Claims 2, 3/2, and 3/8, 4, 5 and 8 were rejected under 35 U.S.C. 102(a) over Japanese Patent Publication 11-239356 (hereinafter "Katsuji"). Claims 6 and 7 were rejected under 35 U.S.C. 103(a) over the '356 publication in view of U.S. Patent No. 5,903,700 to Fukushima (hereinafter "Fukushima"). For the following reasons, these rejections have been overcome.

Each of the rejections relies on Katsuji, which is effective as a prior art reference under 35 U.S.C. 102 only as of its publication date, August 31, 1999. The present application was filed as an International Application on August 31, 2000, which is not more than one year after the publication of Katsuji as required by 35 U.S.C. 102(b). Therefore, Katsuji is prior art only under 35 U.S.C. 102(a). Enclosed herewith is a "Declaration under 37 CFR 1.131 Establishing Prior Invention" (hereinafter "Declaration") which establishes the conception of the invention of claims 2–8 prior to June 28, 1999. The invention was subsequently constructively reduced to practice just over two month later on September 1, 1999 by filing a Japanese patent application.

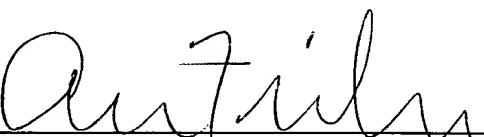
Thus, as evidenced by the Declaration, the presently claimed invention was conceived prior to August 31, 1999, the effective date of the Katsuji reference under 35 U.S.C. 102. Further, as evidenced by the Declaration, by expeditiously preparing and filing a Japanese patent application, Applicants exercised due diligence in pursuing the invention from prior to June 28, 1999 to its constructive reduction to practice by filing the Japanese patent application on September 1, 1999. Therefore, pursuant to 37 CFR § 1.131, the Katsuji reference is not prior art for purposes of 35 U.S.C. 102, and thus the rejection is rendered moot.

Appln. No. 09/830,769
Amdt. Dated August 2, 2005
Reply to Office Action of April 6, 2005

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33555.

Respectfully submitted,
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